In the Matter of Modernizing the E-rate Program for Schools and Libraries

Notice of Proposed Rulemaking

Bureau of Indian Affairs/Education Comments

Federal Communications Commission

47 CFR 1.415 and 1.419

[WC Docket No. 13-184]

General Comments

Bureau of Indian Affairs – The United States has a unique legal and political relationship with Indian tribes and Alaska Native entities as provided by the Constitution of the United States, treaties, court decisions and Federal statutes. Within the government-to-government relationship, Indian Affairs provides services directly or through contracts, grants, or compacts to 566 federally recognized tribes with a service population of about 1.9 million American Indian and Alaska Natives. While the role of Indian Affairs has changed significantly in the last three decades in response to a greater emphasis on Indian self-governance and self-determination, Tribes still look to Indian Affairs for a broad spectrum of services. Indian Affairs offers an extensive scope of programs that covers the entire range of Federal, State and local government services. Programs administered by either Tribes or Indian Affairs through the Bureau of Indian Education (BIE) include an education system consisting of 183 schools and dormitories educating approximately 42,000 elementary and secondary students and 28 tribal colleges, universities, and post-secondary schools. [1]

Bureau of Indian Education – Formerly known as the Office of Indian Education Programs, the Bureau of Indian Education (BIE) was renamed and established on August 29, 2006, to reflect the parallel purpose and organizational structure BIE has in relation to other programs within the Office of the Assistant Secretary-Indian Affairs. The BIE is headed by a Director, who is responsible for the line direction and management of all education functions, including the formation of policies and procedures, the supervision of all program activities and the approval of the expenditure of funds appropriated for education functions.[2] The Bureau of Indian Education (BIE) is the only Federal entity that regularly participates in the E-Rate program. As a Federal entity it is governed by Federal laws and regulations. The Bureau of Indian Education both funds and operates K-12 schools in 23 states. The Tribal operated schools funded by the BIE operate as independent entities with oversight and governance of the local school board, tribe and in some instances state. The BIE operated schools are a part of the BIE organization and are subject to Federal acquisition procedures, laws and regulations.

Unique Circumstances in Determining Impoverishment – Current levels of impoverishment are determined by data derived from the National School Lunch Program percentage of individual schools for both single and consortium level applications. The BIE proposes using US census and internal data already available to determine the level of impoverishment for its schools. Though the NSLP process is widely used, existing census and BIE data already shows that 75% or more of its students continue to receive free or reduced lunches each and every year. Using NSLP to validate BIE consortium applications only adds to the administrative burden of the E-rate process.

Definition of a District – The BIE is comprised of Bureau operated schools and Tribal operated schools operating in 23 states. The treatment of these schools has evolved to where the Bureau operated schools are treated differently from Tribal operated schools. To the Bureau operated schools, the BIE is a school district. To the Tribal operated schools, the BIE functions as a state. In the past this has caused confusion with consortium applications and the approval of technology plans. **It is still recommended that the rules clearly define the meaning of a school district specifically as it relates to a federal entity. This definition should include the effect of this relationship as it relates to technology plan approval, consortium applications and the proposed rule changes.**

[1] Bureau of Indian Affairs – What We Do, http://bia.gov/WhatWeDo/ServiceOverview/index.htm
[2] Bureau of Indian Affairs – Bureau of Indian Education, http://bia.gov/WhatWeDo/ServiceOverview/IndianEducation/index.htm

Federal Acquisition Regulations – The BIE operated schools are bound by the Federal Acquisition Regulations (FAR). These regulations prescribe detailed procedures for the acquisition of goods and services by a Federal entity. In addition the BIE is sometimes mandated to use certain contract vehicles (such as Networx) to acquire goods and services. BIE is also bound by the Buy Indian Act which can be at odds with the E-Rate Program's rule of lowest cost. **It is imperative that the rules be amended to include the FAR under the rules of public procurement requirements. Those entities showing compliance with FAR regulations should be deemed to have met the E-Rate program rules for the competitive bidding process. We still seek this modification to the rules.**

Proposed Goals – We endorse the three broad goal areas proposed by the FCC for the E-rate program addressing issues related to in-school access to robust broadband for teaching, learning, assessment and school operations; cost-effectiveness; and high-quality program administration (E-rate NPRM ¶¶ 17-19, 41-42, 45-46).

E-rate Funds Available Increase Digital Literacy – Though E-rate has been widely successful since its inception, we live in a world challenged by the need to grow beyond the limits of yesterday's environment. For this great nation to contribute more to a stronger world through education and sharing with our neighboring nation states, we must embrace real-time understanding and access to current and changing learning technologies. We must adopt a flexible attitude and acceptance to the need of our digital pioneers, educators, and students to seek out their place along the information highway. For this to be possible, the FCC needs to gain access to more funding as the need increases overtime. We must find a way to double the available funding now, and accept the fact that even doubling may not be enough in two or three years.

Definition of Broadband – The BIE defines broadband access as the bandwidth capability from the local service provider to the school or library coupled with the internal infrastructure necessary to leverage that bandwidth. For example; is a school has access to one gigabyte per second of bandwidth into their network, but only has switch capacity of 100 Megabits per second, they sacrifice 90% of that pipeline. It is imperative to understand that bandwidth and infrastructure should be a paired solution. Without one, the other fails to work. We support SECA's viewpoint on this subject: "In order for students and library patrons to obtain sufficient bandwidth, there are three vital infrastructure components that must be synchronized:"

1) The amount of Internet bandwidth leased from an Internet Service Provider (commonly referred to as Internet access service);
2) Sufficient transmission capacity to deliver the Internet service to the school or library's hub location (commonly referred to as the Internet transport charge or telecommunications circuit charge); and,
3) Sufficient transmission capacity inside the school or library building. The transmission capacity inside the building can be delivered via wired or wireless connections. If any one of these infrastructure components is inadequate, the bandwidth speed to the student or library patron will be diminished.

Specific Comments

1. Ensuring Schools and Libraries Have Affordable Access to 21st Century Broadband that Supports Digital Learning

- We endorse the measurements proposed by SETDA and also agree with their current comments in their Draft comments to this NPRM [3] "Consistent with our other proposed principles for E-rate modernization, SETDA believes that E-rate performance can be assessed by focusing on achieving a few, clear strategic goals:
  - Average per student and educator in-school internet access speeds increase over time to meet capacity targets (E-rate NPRM ¶¶ 20-24, 26-29);
  - Average recurring total monthly cost per MB of school internet connection capacity decreases over time (E-rate NPRM ¶¶ 43-44);
  - The administrative and regulatory burden to program participants decreases over time (E-rate NPRM ¶¶ 47-51); and,
  - Program participation rates increase over time (E-rate NPRM ¶¶ 47-51)."
- We endorse NASCIO in that "[4]all broadband measurements should be compatible with existing standards such as the Measuring Broadband America Program. By providing standardized data in a common format on fiber optic cabling, broadband availability, and services, state and local governments will make more effective decisions regarding broadband deployment, shared services, and other options" (E-rate NPRM ¶ 21).

[3] SETDA Membership Call September 11 at 12pm ET - NPRM Draft Response Feedback (pg. 3), http://gallery.mailchimp.com/1f18c643d052d9f509a7060f4/files/SETDA_E_rateNPRMComments_DRAFT2.pdf

- Many BIE schools experience isolation from other populated areas. We fear this may be driving process higher than necessary in these locations. We believe the FCC should have a way to measure compliance with its "lowest corresponding price" rule as a measure of affordability to ensure that service providers are providing the lowest corresponding price for E-rate supported services that a provider charges to a similarly situated non-residential customer. We can report suspected providers as necessary (E-rate NPRM ¶ 39).
- We encourage the FCC to develop processes allowing the BIE and states to collaborate with one another. This thought process parallels that of NASCIO, stating "[4]if state governments opt to collaborate with the FCC to ensure that state and federal projects are supportive rather than redundant, such a relationship can provide effective and efficient use of both federal and state funding for broadband services. It could also promote improved long-term planning for state investments" (E-rate NPRM ¶ 79).
- We endorse SETDA's view of "[5]**Pricing Data Must be Made Transparent and Accessible,** there are many valid reasons why cost per MB of school broadband capacity may vary from community to community and despite the fact that some financial data is currently collected via the E-rate application process, we have too little insight today into the E-rate's role in ensuring cost-efficiency of school networks. Pricing data negotiated and paid for by E-rate applicants should be made transparent and publicly accessible via an easy-to-use online portal. This transparency will serve the dual purposes of educating applicants and providers both on the varying prices currently paid by applicants, as well as facilitate the conduct of special studies and analyses by interested 3rd parties to identify best practices that can be pursued by future applicants seeking greater cost-efficiencies" (E-rate NPRM ¶ 52).

2. **Maximizing the Cost-Effectiveness of E-rate Funds –** We agree with this goal and continuously monitor our schools within the BIE to ensure we stress cost effectiveness and strick adherence to E-rate program rules. Additionally, funds available through the E-rate program ([6]coming from contributions made by consumers and businesses to the USF, and the Commission).
   1) **Funding for Broadband Connections.**
      - "**Comment on the most efficient technological architectures** that schools and libraries are likely to use for connectivity. Are fiber connections generally the most cost effective and future-proof way to deliver high-capacity broadband to community anchor institutions like schools and libraries" (E-rate NPRM ¶¶ 67-75)?
        - The BIE's IT infrastructure includes WANs and a general support system that BIE-funded schools use. This infrastructure underpins the ability to provide standards-based connectivity, security, content delivery, web services, distance learning capabilities, wireless communication, email access, and education application access for all BIE school networks. Most of our schools use the BIE Education Native American Network (ENAN). ENAN is a single, centrally managed network that provides connectivity to the Internet for BIE schools. The network allows schools to focus on the business of education rather than devoting limited resources to a non-core business function. The design of the network also allowed BIE to provide network security services for its schools and facilitated a centralized implementation of content filtering to satisfy the requirements of the Children's Internet Protection Act. By using the buying power of the US Government, BIE was able to purchase services at a highly competitive rate and has been successful over the last four years in receiving BIE-wide consortium funding for the ENAN.
        - Some of our Tribal schools elect to contract third-party bandwidth services, and yet, others have partnered with their non-native state or district broadband consortiums for E-rate funding.
        - In both cases, the type of broadband varies using both terrestrial and non-terrestrial services encompassing fiber, microwave, cooper, DSL, Coax, and satellite modes of delivery.

[4] Comments By The National Association Of State Chief Information Officers (NASCIO) Related To The E-Rate 2.0 Notice Of Proposed Rulemaking (pg. 2), http://apps.fcc.gov/ecfs/document/view?id=7520943382
[5] SETDA Membership Call September 11 at 12pm ET - NPRM Draft Response Feedback (pg. 6-7), http://gallery.mailchimp.com/1f18c643d052d9f509a7060f4/files/SETDA_E_rateNPRMComments_DRAFT2.pdf
[6] FCC NPRM - In the Matter of Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, July 19, 2013

- The BIE argues the situation dictates; whatever is available must be leveraged as a viable means of connecting to the Internet. The service providers are responsible to deliver the "lowest corresponding price" to its education customers. The FCC should be technology neutral in cases that can be substantiated.

- "**Is there a role for the states or Tribal governments** to play in determining priority for such funds" (E-rate NPRM ¶ 76)? The BIE argues that in some cases there is a need for the FCC to allow us to submit special circumstances for priority funding.
  - The BIE has experienced a positive return on investment over the last several years on the BIE-wide ENAN E-rate consortium application. In return, we have been able to upgrade bandwidth in many of our schools through a very productive bandwidth upgrade project.
  - In a few instances, we have faced financial showstoppers from the local exchange carrier. In these instances, we have been quoted in excess of 250,000 dollars to build up equipment to handle upgrades to meet our goals. During these instances, it would help if the FCC could hear these cases and determine if the "lowest corresponding price" is evident and establish funding priorities as applicable.

2) **Phasing Down Support for Certain Services.**

- **Specific Services for Which Support May No Longer Be Appropriate**. The NPRM mentions to phase out funding for those services that are outdated (E-rate NPRM ¶¶ 90-102, 105-114). The Eligible Services List (ESL) contains several eligible legacy telecommunications services and newer services that should be considered for removal. The BIE believes in supporting a common sense approach to the ESL. Many services support the business process (education being that process), but not necessarily broadband access and capability and cost effective use of E-rate funding. We must streamline available services to those that bring learning technologies into the classroom.
  - Legacy services mentioned (paging, directory assistance services, and dial-up) should be removed immediately.
  - We support the phase out of *components of voice service and supplemental services* (custom calling features, inside wiring maintenance plans, call blocking, 800 number services, and text messaging as components of voice services) because they do not generally support the definition of broadband access.
  - We support phasing out E-rate support for services that are not directly related to connectivity (such as electronic mail services (e-mail) service and web hosting) as supplemental services. Our experience shows that many cloud-based services are available for free or at a nominal price to schools. The definition of Internet Access should be changed to reflect the broadband definition.
  - The definition *Educational purposes* deserves better attention. We believe the definition should be tied to the school campus and all school buildings. "[7]A modernized E-rate program must be structured to support the delivery of broadband to and within all school buildings." It has been our experience administrative functions must take place to educate students. These functions include communicating policy and getting our students to and from home. If we attempt to cost allocate every non-instructional building supporting the campus in educating our students, we only increase the resources necessary to dissect and cost allocate (E-rate NPRM ¶¶ 99-100).
  - *Basic Maintenance of Internal Connections [(BMIC)* E-rate NPRM ¶ 101]. We generally disagree with eliminating BMIC and in fact believe the maintenance of network infrastructure should be mandatory. Not all schools are staffed for IT support, and the maintenance and replacement of equipment is still prudent to protect the initial investment. As previously mentioned, the BIE has many schools that are isolated and poorly staffed to perform this critical function. However, we are aware that this could be a source of the abuse of the program funds. A better approach is codify what services can be performed with BMIC. An example would be to define BMIC as a service that pays for yearly equipment warranty for eligible and identified internal connection

[7] SETDA Membership Call September 11 at 12pm ET - NPRM Draft Response Feedback (pg. 5-6), http://gallery.mailchimp.com/1f18c643d052d9f509a7060f4/files/SETDA_E_rateNPRMComments_DRAFT2.pdf

equipment, a set amount of trips to the applicant to perform specified duties and 24 hours of telephone support (**Not remote connection to network support**).

- Under current E-rate program rules, equipment warranties such as Cisco SmartNet contracts have been replaced by the "Cisco Base" contract. Most leading manufacturers of equipment other than Cisco (that have a replacement warranty) have come up with their version of "Cisco Base" as well--We use "Cisco Base" as an example. "Cisco Base" includes one year of technical support and software updates. It does not include Advanced Hardware Replacement. In order for an applicant to receive Advanced Hardware Replacement to cover existing hardware and, if appropriate, battery backups, and server warranties, a Hardware Replacement Time & Materials Cost Allocation criteria is included on the applicant's request. This funding is used only if a repair is required, and will be billed on an "as needed, as used" basis. The allocation price is the estimated replacement cost for the hardware and is derived from the estimated failure rate and age of the current eligible equipment. If approved by the SLD, this commitment is placed in a reserve account for replacing malfunctioning hardware as needed. This will save monies previously front-loaded for equipment never replaced. This requires the vendor to issue a proposal that includes a distinction between Standard Basic Maintenance, which can include "Cisco Base" or similar contracts, and a second for the Hardware Replacement & Time and Materials Allocation.
- We recommend allowing only four trips per program year for BMIC of eligible internal connections. These services are limited to:
  - Advanced Hardware Replacement.
  - Servicing and certifying cabling to BICSI Standards.
  - Switch Maintenance including testing switches and ancillary for serviceability and preventative maintenance.
  - Server Maintenance including basic configuration, patching, and preventative maintenance.
  - Wireless network maintenance including preventative maintenance and configuration.
  - Network maintenance including troubleshooting components for connectivity and preventative maintenance.
  - All trips are planned and if an emergency trip is needed, it is taken from one of the four trips. BMIC can include travel and per diem for a minimum of 100 miles up to 350 miles one way, 8 hours onsite and one night of lodging at the local government rate.
- Additionally, BMIC rates should be capped dependent on pre-determined school sizes and a formula created accounting for factors including consortiums.

- *Cellular data plans and air cards.* We believe device data plans and air cards are inconsequential, wasteful, and beyond the definition of broadband access. The school or library campus should house the wired and wireless access necessary for Internet access. Plans such as these are complicated and require unnecessary resources to discern. They should be removed from the ESL immediately without a phase out (E-rate NPRM ¶ 102).

- **Tightly Focusing the Eligible Service List and Transitioning Voice Support to Broadband** (E-rate NPRM ¶¶ 103-113). We agree with [8]SECA's Eligible Services Reform philosophy excluding the removal of BMIC services. We also argue that the maximum discount for Priority 1 services remain at 90%.
  - SECA believes Priority 1 funding "should focus on the transport of high speed data and Internet communications and should transition away from voice services and web hosting. While some stakeholders may advocate that no eligible service changes should be made, and we should focus all efforts on increasing funding." We agree with their proposal for a tiered phase out of up to

[8] State E-rate Coordinators' Alliance (SECA) White Paper, In the Matter of: E-rate Reform, CC Docket 02-6, June 18, 2013, http://apps.fcc.gov/ecfs/document/view?id=7520924964

five (5) years, to reduce and ultimately remove funding for all basic phone service by the end of the decade (E-rate NPRM ¶¶ 103-113). However, if the service is used for both voice and data, the service should still be E-rate eligible without cost allocation.

- SECA believes Priority 2 funding deserves a complete overhaul, and we are in agreement with most of their proposals. We agree that the Priority 2 ESL is bloated beyond reasonable management and needs to be streamlined immediately. Like SECA, we agree that "the list needs to be redefined to focus on ensuring that the transmission of bandwidth" within the school campus is appropriate to meet the needs of current and future goal and all other functionality should no longer be eligible for support (E-rate NPRM ¶¶ 103-113). We also argue removing unnecessary Priority 2 equipment will free up funding dollars for BMIC to equipment focused on the transmission of broadband.
  - SECA's point of view is that Priority 2 funding eligibility should focus solely on these components, including installation:
    - One Router per Building: to facilitate the access to the building for Internet Access.
    - Switches & Wireless Access Point (Layer 3 - POE): These devices would facilitate the access to the Internet for local cabling that does not exceed three cabling drops per classroom –and a prescribed number of drops for libraries. There should be no more than one Wireless Access Point per classroom. Multiple WAPs as may be needed for school library/media centers and inside libraries should be allowed. One UPS per switch should be eligible (with an uptime of no more than 30 minutes per switch).
    - Cabling: Cabling to the classroom (no more than 3 cabling drops per classroom) to provide a means of accessing the Internet, with no more than one Wireless Access Point per Classroom. All the cabling components need to be RCDD-BICSI compliant, that is, racks, wire managers, for the three cabling drops.
  - We would also argue that a few additional items or situations may be pertinent:
    - A wireless controller is often necessary to increase usage and security of large amounts of Wireless Access Points and should be included on the ESL.
    - Network servers still have a place within the domain controlling aspects of networking. Until cloud computing and other technologies mature, it remains prudent to allow DNS/DHCP servers on the ESL.
    - We believe only three cabling drops per classroom might limit current and future capacity goals. We agree that a metric needs to be set, but request more study to determine what capacitance three cabling drops would provide (for example) in a classroom of 25 students who all had use of a computer.

- **General Issues Related to Phasing out Support.** We believe that a Tribal priority should be adopted through coordination with the appropriate agencies. BIE schools represent many—but not all schools on tribal lands. An example is the Pine Ridge Indian Reservation in South Dakota. Pine Ridge has seven BIE funded schools, five public schools fall under the span of control of Shannon County Public School District and two private schools maintained by Creighton University. In many instances, some of these schools must adhere to Tribal education policy as well. A specific solution is beyond the scope of this document, but future discussion is warranted to develop priorities on Tribal Lands (E-rate NPRM ¶ 114).

3) Ensuring Equitable Access to Limited E-rate Funds. The FCC seeks comment on six options for revising the structure for distributing funds under the E-rate program (E-rate NPRM ¶¶ 115-162).

- **Modifying the Discount Matrix**. We agree with SETDA and SECA in establishing an E-rate program that is equitable and ensures every student and educator in every school (eligible for E-rate) must be provided the opportunity to benefit from broadband-enabled teaching, learning, assessment and improved school operations. SECA has submitted a proposal [9] in their white paper calling for three major reformative steps (E-rate NPRM ¶¶ 117-125):

[9] State E-rate Coordinators' Alliance (SECA) White Paper, In the Matter of: E-rate Reform, CC Docket 02-6, June 18, 2013, http://apps.fcc.gov/ecfs/document/view?id=7520924964

- **The two-in-five rule needs to be rescinded**. We agree the demand for Priority 2 funding will continue to grow and the need for the two-in-five rule no longer applies.
- **Reduction of the maximum discount for Priority 2 funding to 70%**. We agree this will add predictability and equitable coverage to a greater share of applicants.
- **A more predictable approach that systematically allocates Priority 2 funding based on the applicant's NSLP entity-wide discount**. SECA proposes all applicants should be scheduled on a rotating basis to apply for Priority 2 funding. Additionally they recommend that the FCC establish a process of funding "down" the discount levels until all applicants and discount levels are funded. We support and encourage a process such as this to enable the FCC to better fund all deserving applicants.

- **Providing support on a district-wide basis**. The BIE applies for a consortium application each year encompassing the cost of circuits giving Internet access to most of our schools. In this respect, we support a district approach to E-rate funding. However, we have many schools that are isolated alone; they do not have access to a district in order to participate in school requests. We argue that mandatory district affiliation would hinder schools in these circumstances (E-rate NPRM ¶¶ 126-132).
- **Revising our approach to supporting rural schools and libraries** (E-rate NPRM ¶¶ 133-134). We believe if the FCC insures that service providers maintain the "lowest corresponding price," rates will reduce themselves in in locations whether rural or urban. In this respect, discount rates should remain the same for both instances.
- **Incorporating a per-student or per-building cap on funding into the discount matrix** (E-rate NPRM ¶¶ 135-142). We believe establishing a cap at this time is premature, and a working group establishing assigning standards be formed. These standards need to be established at a governing level (federal, state or district) and these standards need to be used to determine the resulting eligible network equipment. This would serve to limit the size and cost of the projects based on objective preapproved criteria. Some examples of the basis for standards might include:
  - Student to computer ratio.
  - Maximum number of cable drops per classroom.
  - Ratio of wireless access points to computers served.
  - Server usage and function by schools.
- **Providing more equitable access to priority two funding** (E-rate NPRM ¶¶ 143-148). Modifying the discount matrix (see above) will likely cause better equitability. We recommend a distinction between Priority 1 and Priority 2 funding for the time being.
- **Allocating funds to all eligible schools and libraries up front** (E-rate NPRM ¶¶ 149-162). We maintain keeping the E-rate application process as is. If an amount were set aside, a method of measurement might be the amount of schools and/or students belonging to state, district, or other SEA. Money would not be provided up front for the applicant, but rather an amount would be provided for a decision making authority to assist their efforts in building a stronger E-rate program for this in their span of control.

4) **Lowering New Build Costs and Identifying Additional Funding to Support Broadband to Schools and Libraries** (E-rate NPRM ¶¶ 163-176). We support the commission providing the flexibility for local jurisdictions, states, and private sector partners to collaborate on deploying fiber and other connectivity while utilizing the E-rate program. Creating a community of learners from local jurisdictions, states, private sector, and Tribal lands will increase awareness and lobbying for better broadband services and drive prices to a reasonable rate state wide. In the NPRM, the commission asks "should schools and libraries operated by the Bureau of Indian Affairs or individual Tribal governments be exempt from such a requirement" (NPRM ¶ 164)? Recall the United States has a unique legal and political relationship with Indian tribes and Alaska Native entities as provided by the Constitution of the United States, treaties, court decisions and Federal statutes. These legalities would require visitation—but there is motivation for the BIA and Tribal agencies to collaborate as allowed to further mature the E-rate program and lower costs.
5) **Increasing Transparency** (NPRM ¶¶ 191-201). We see no reason why E-rate documentation should not be transparent to the public. Transparency breeds honesty, lower prices, and an open approach to the E-rate process.

All documentation including forms, contracts, Item 21 attachments, spending, and ancillary needs should be publicly accessible.

6) **Improving the Competitive Bidding Process** (NPRM ¶¶ 201-210). Many schools in Indian Country are familiar with isolation. It is not uncommon to receive one bid for contractual services requested on the FCC Form 470. In rare instances, we are familiar with schools who have received no bids during the 28-day waiting period. As long as applicants are specific as possible in formatting their needs, they usually get descriptive and detailed bids. To assist the process we suggest the following:
   - Vendors authorized to provide services to eligible applicants should be required to certify they are providing the "Lowest Corresponding Price" as derived from a national average of equivalent equipment (NPRM ¶¶ 201 and 209). This might require some research, but vendors should be held accountable to an honest profit.
   - The Commission asks if they "should we adopt bright line rules that would impose limits on the amount of discounts available in such situations, or would that unfairly penalize applicants in areas where there are limited numbers of service providers (e.g. on Tribal lands)" (NPRM ¶ 202). In our experience, service providers are available to service applicants in the most remote of areas. At the same time, we have seen some service providers unfairly take advantage of unsuspecting Tribal schools. The applicant should not be penalized for being in a difficult location. Service providers should be held responsible for proposals exceeding cost effective usefulness during both the review and audit process. Service providers should be trustworthy partners in the education process schooled in the aspects of educational networks. We expect service providers to make an honest profit; when they take advantage of the applicant, they should be held financially liable.
   - As mentioned earlier, the BIE operated schools are bound by the Federal Acquisition Regulations (FAR). These regulations prescribe detailed procedures for the acquisition of goods and services by a Federal entity. In addition the BIE is sometimes mandated to use certain contract vehicles (such as Networx) to acquire goods and services. BIE is also bound by the Buy Indian Act which can be at odds with the E-Rate Program's rule of lowest cost. **It is imperative that the rules be amended to include the FAR under the rules of public procurement requirements. Those entities showing compliance with FAR regulations should be deemed to have met the E-Rate program rules for the competitive bidding process. We still seek this modification to the rules** (NPRM ¶ 206).

7) **Broadband Planning and Use** (NPRM ¶¶ 217-219). We believe that before schools can determine the measures to ensure they are carefully assessing their need for and readiness to use high-capacity broadband, they need to be presented with the approved benchmarks and changes resulting in those benchmarks. By far, technology planning is one of the more difficult processes for schools operating in an environment without metrics. Once a new ESL, broadband metrics, and discount percentages are published, educators will have a better footprint to plan. Until that time, we should maintain the current rules for technology planning.

3. **Streamlining the Administration of the E-rate Program –** We agree with this goal, and like SETDA and SECA, believe streamlining will modernize E-rate and reduce the burden across the board and increase program participation. Modernized E-Rate Should Reduce Participant Burden. "SETDA [10] believes that a high priority of a modernized E-rate must be to reduce the complexity of the program and the burden on program participants to understand and comply with necessary regulations. Program complexity drives up costs, decreases participation, and reduces innovation." We wholeheartedly support SECA's[11] document in support outlining the USAC Information Technology Systems Modernization Initiative Of The Federal E-Rate Program. Were this comprehensive document followed, the administrative burden associated with E-rate program would be reduced immeasurably. We share and support the following initiatives in the SECA paper:
   1) An **applicant portal** allowing each applicant self-service access all relevant data for their organization capable of (NPRM ¶¶ 224-231):

[10] SETDA Membership Call September 11 at 12pm ET - NPRM Draft Response Feedback (pg. 8), http://gallery.mailchimp.com/1f18c643d052d9f509a7060f4/files/SETDA_E_rateNPRMComments_DRAFT2.pdf

[11] State E-rate Coordinators' Alliance (SECA) White Paper, USAC Information Technology Systems Modernization Initiative Of The Federal E-Rate Program, March 22, 2013, http://www.e-ratecentral.com/pdfs/SECA_response_to_USAC_SLITM.pdf

- An interface, which would show a summary of all funding, requested and committed for a single billed entity over multiple funding years. Currently, this data is only available by downloading multiple DRT reports, or using a private E-rate consultant's website.
- All forms submitted by the applicant online indexed by year and form number including Forms 470, 471, Item 21 attachments, 486, 472, and 500.
- All PIA communications including questions and responses with all attachments such as contract documents and other submissions.
- Copies of all correspondence sent by SLD such as Form 470 NL, Form 471 RAL, Form 471 FCDL, Form 486 NL, Form 500 Notification Letters, etc.
- Real time status information about all pending forms, to verify not only receipt and conclusion but also interim statuses similar to the way in which the Form 471 application status tool presently works.
- Applicants would be permitted to begin working on a Form 471 application prior to the official opening of the annual Form 471 window, but would not be permitted to submit the application until the window officially opened. In order to allow for system changes to be implemented USAC would schedule website outage periods when the online system would be unavailable to everyone.
- All posted FCDL changes should be capable of being submitted electronically such as SPIN changes, service substitutions, equipment transfers, Form 500 changes of contract expiration dates, cancelled or reduced funding or permissible service start date changes.
- Applicants also should be able to update contact information, and submit permissible ministerial and clerical changes online including permissible Block 4 changes at anytime during the process – not just during the RAL.
- Consortium leads should be given greater tools and functionality to permit the merging of existing Block 4 data from previously submitted applications.
- With respect to contact information changes, all changes should be applied to all forms so that all correspondence from SLD is addressed to the appropriate contact person.
- Applicants should be able to apply for and receive PINs and administer their PINs online (adding to the existing PIN functionality).
- The applicant portal should be accessible using any commercially available web browser such as Internet Explorer, Firefox, Safari and Chrome, as well as any version of those browsers.
- The portal should generate e-mail reminders to school and library contacts about upcoming deadlines and action items that must be completed. This also would eliminate the need for Form 470/No 471 reminder letter, missing Item 21 attachment letters, and late Form 486 letters to be generated and mailed.
- Applicants also should be able to update (at any time during the process) contact information, submit permissible ministerial and clerical changes and submit permissible Block 4 changes using an online interface, rather than needing to make the corrections on a paper RAL and submitting them electronically.

2) SECA is adamant that above all others, there are **three single functionalities** that will improve the program significantly and should be at the top of USAC's priority list (NPRM ¶¶ 224-231).
   - Applicants should be able to retrieve information from a prior year's form, copy it onto a new form, and then simply update the information. This is the most important functionality that USAC can provide to applicants to not only streamline the process, but to reduce errors, increase earlier submissions, and reduce the E-rate application stress that schools and libraries are subjected to each year.
   - The Item 21 attachment concept should be entirely reconfigured so that this data is embedded in the Form 471 itself and is not a separate step and interface. In fact, it should be renamed the Item 21 Description of Services. The current Item 21 attachment system was created after-the-fact to obtain a high-level description of the services being requested. The system asks applicants to re-enter funding data that was already input on the Form 471, Block 5, and then provide additional information to match those amounts. This information should be requested on the Form 471, Block 5 before the form is submitted.

For Priority 1 services, the interface could be very simple. For priority 2 requests, a separate punch-out interface would be developed for Priority 2 applications (which the system would automatically detect by the version of the form being created). All Item 21 descriptive information for Priority 2 services and equipment would allow for the upload of attachments via a Sharepoint type interface that would accept multiple applications such as Word, PDF, Excel, Image formats, etc.

- Form 486 certifications should be embedded on the Form 471, Block 5 and not require a separate form. Until that form change is made, we recommend that the FCDL data be pre-populated onto the Form 486's Block 1 and Block 3. It is silly for an applicant to file an online Form 471, receive a paper FCDL, and then have to manually type-in all of the same information into the Form 486.

3) **Speeding Review of Applications, Commitment Decisions, and Funding Disbursement** (NPRM ¶¶ 233-247). We again support several suggestions by [12]SECA.

- PIA reviews should be designed to better support Multi-year contracts. The highest level of review happens in the first year of a contract, and subsequent years have a lower standard of review that focus on any changes to the contract. The system should include checks and balances so that nominal year-to-year changes could be accepted with minimal or even automated review, whereas major changes in dollar value, components, or service level would receive more scrutiny.
- Were USAC to update their antiquated systems into the applicant portal (workflow engine process) outlined above, they would increase automated review where fewer items will fall into gaps between processes. Long-term maintenance costs will be reduced as it will be easier to adapt to future rule changes from the FCC than the heavily manual system that is in place now.
- Most notifications can be sent electronically to reduce printing and postage costs, and that email addresses should be required on all forms and updated through the applicant portal. The system should be designed so that when a letter was previously sent, an email is sent instead. Automatic notification responses when a form or attachment is filed (470 RNL, 471 RAL, 486 Notification Letter, etc.) should automatically send an email response back to the applicant with date/ time stamp and the data submitted. All notifications would be stored in the applicant portal for future retrieval. However, paper notification should be used in the event that the email address is no longer valid and or the email address listed bounces. In the event of a contact change at an entity, the information would automatically transfer to the new contact email so that information could still be received in a timely fashion.
- We support SECA's request that all invoicing notifications, in addition to being e-mailed to the contact person, also be kept in the applicant portal, and that tools be developed to track utilization and disbursements. State E-Rate Coordinators, consortia leads, and district members should be able to run a report that shows the usage for all of their member entities, which will make it more efficient to return excess funds on the Form 500 for future rollover amounts.
- We support the following SECA upgrade suggestions to the USAC Data Retrieval Tools:
  - Allowable contract date for each Form 470;
  - Item 21 submission confirmation (should the online system not be updated to include our suggested Item 21 embed comments included above);
  - Missing Form 486 (currently the Form 486 SSD column in the DRT is completed only once the form and certification have been processed);

[12] State E-rate Coordinators' Alliance (SECA) White Paper, USAC Information Technology Systems Modernization Initiative Of The Federal E-Rate Program, March 22, 2013, http://www.e-ratecentral.com/pdfs/SECA_response_to_USAC_SLITM.pdf

- Contract signing date (this would assist E-rate Coordinators in determining when an applicant has listed a wrong CAD – a typical mistake is to list July 1 instead of the actual CAD – or when they filed a Form 471 prior to their Form 470 ACD);
- Status of BEAR or SPI in the invoicing review process (the current DRT only reflects a total of funds disbursed for a single FRN;
- Date of most recent invoice disbursement (so that applicants can compute when the 20th business day after the disbursement of funds occurs).
- Whether a service provider has submitted Form 473 Service Provider Annual Certification;
- Date of a revised FCDL that may be issued for split FRNs, appeals and/or other reasons (so that the Form 486 due date for the affected FRNs may be computed).
- Certification status of Form 471 applications. Currently the DRT does not show an FRN if the underlying Form 471 has not been certified. By including uncertified FRNs on the DRT, State Coordinators could easily target affected applicants and generate this missing certification.
- Data Reports.
- In addition, State E-rate Coordinators could provide much better, targeted outreach by having access to online reports showing applicants who submitted the previous year but have not submitted for the current funding year. Currently State Coordinators manually create these lists by doing a look and compare -- a manual process that takes hours to create.

o We support SECA's request for Access to Real Time Data – Either the applicant portal or the Data Retrieval Tool should provide real time data related to a particular form. Data such as form status and a clear representation of any changes made through the various review processes including adjustments for ineligible use or products or changes to a requested weighted discount should be shown clearly as a difference between the 'original' version of the form and the 'committed' version of the form.

4) **The FCC Form 472**, Billed Entity Application for Reimbursement (BEAR) Form (NPRM ¶¶ 260-261). We agree with the Commission's proposal for that service provider would no longer serve as the pass-through for the reimbursement of funds where an applicant has paid the service provider in full for the services. Where an applicant, however, pays only the reduced cost of the services directly to the service provider, then the service provider will continue to file a SPI form with USAC to receive reimbursement.

4. **Other Outstanding Issues** (NPRM ¶¶ 270-275).

1) **Uncertainty of CIPA**. We support the SETDA common sense approach to this issue. [13]SETDA proposes a common sense approach to the issue. CIPA should only apply in cases where students are using school-owned devices off-campus AND/OR if students are accessing school managed networks (and only for the duration of that access). In all other cases, local community standards should prevail. In the case of a school-owned device being used off-campus, the school is responsible to ensure the device is formatted to only access authorized learning technologies. There is no feasible way CIPA can be enforced on every Network the device connects to once it leave school campus grounds.

2) **Document Retention**. We believe the current five-year retention rate is adequate to ensure compliance of program rules.

3) **Assessment of Program Effectiveness**. We echo SECA and SETDA information currently in place. We agree with SECA that [14]"in order to measure the E-rate program's effectiveness, SECA would suggest that any data points considered must also assist schools and libraries in providing cost-effective advanced telecommunications services. Mbps per student, cost per student, or cost per Mbps per student for WAN/Internet data are nearly meaningless if not considered in conjunction with other relevant usage and function data. There is also the concern that setting

[13] SETDA Membership Call September 11 at 12pm ET - NPRM Draft Response Feedback (pg. 8), http://gallery.mailchimp.com/1f18c643d052d9f509a7060f4/files/SETDA_E_rateNPRMComments_DRAFT2.pdf

[14] State E-rate Coordinators' Alliance (SECA) White Paper, In the Matter of: E-rate Reform, CC Docket 02-6, June 18, 2013, http://apps.fcc.gov/ecfs/document/view?id=7520924964

arbitrary bandwidth needs/limits leaves no room for the innovations that we expect to see in every sector and especially in the area of broadband capacity and speeds." We encourage the Commission to adopt both the State Educational Technology Directors Association (SETDA) and Commissioner Jessica Rosenworcel recommended similar targets for school access goals shown in the [14]chart below. In using this information SECA goes on to recommend on page 19 of the [14]white paper to measure using two formats:

- Measure **accessibility** of telecommunications and advanced services, including information services, to schools and libraries.
- Measure **affordability** of telecommunications and advanced services, including information services, to schools and libraries.

SECA (and we agree) declines recommending a specific bandwidth speed for measuring the program's performance goals and recommends using the SETDA standards as starting targets and being flexible for future technology expansion. We agree that measuring metrics will also be difficult, and that some form of documentation required by the FCC to any regulated telecommunications provider or E-rate participating service provider in regards to bandwidth should have to publish said Lowest Corresponding Pricing in order for schools to have effective data in order to compare and establish if they are indeed receiving the best pricing for that service.

School Year Target	Speed	Measurement in Students and Staff
External Internet Connection to the Internet Service Provider (ISP)		
2014-15 School Year Target:	At least 100 Mbps	per 1,000 students/ staff
2017-18 School Year Target:	At least 1 Gbps	per 1,000 students/staff
Internal wide area network (WAN) connections from the district to each school and among schools within the district		
2014-15 School Year Target:	At least 1 Gbps	per 1,000 students/staff
2017-18 School Year Target:	At least 10 Gbps	per 1,000 students/staff

Data from: http://www.setda.org/c/document_library/get_file?folderId=353&name=DLFE-1517.pdf

Respectfully submitted

/s/ Brett Stoneberger
/s/ Margo Ragan

Brett Stoneberger Indian Affairs Information Technology - E-rate and IT Specialist **IAIT E-Rate Team** Office of the Assistant Secretary - Indian Affairs, (ASIA) 440 -255 - 8722 - Ext 244 Cell Phone: 571-926-0300 Fax: 866-800-7890 brett.stoneberger@bia.gov	Margo Ragan Management Analyst **IAIT E-Rate Team** Office of the Assistant Secretary - Indian Affairs, (ASIA) Phone 703-390-6557 Toll Free Fax 866-800-7890 margo.ragan@bia.gov
Mail Correspondence to: Margo Ragan 12220 Sunrise Valley Drive 5th Floor (room 5110) Reston, VA 20191	